

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

TIMOTHY S. LACK,

Plaintiff,

vs.

ALTON POLICE DEPARTMENT, *at al.*,

Defendants.

)

)

)

)

)

)

)

)

)

Case No. 16-cv-01017-JPG-SCW

ORDER

This matter comes before the court on the Report and Recommendation (“R & R”) (Doc. 26) of Magistrate Judge Stephen C. Williams with regard to defendants’ oral Motion to Dismiss for Want of Prosecution.

Federal Rule of Civil Procedure 41(b) provides that the Court may involuntarily dismiss a matter if a plaintiff fails to prosecute. Plaintiff was warned in this Court’s order referring the case to Magistrate Judge Williams (Doc. 11) as follows:

Plaintiff is **ADVISED** that he is under a continuing obligation to keep the Clerk of Court and each opposing party informed of any change in his address; the Court will not independently investigate his whereabouts. This shall be done in writing and not later than **7 days** after a transfer or other change in address occurs.

Failure to comply with this order will cause a delay in the transmission of court documents and may result in dismissal of this action for want of prosecution.

Mail addressed to the plaintiff has been returned as “Undeliverable” (Doc. 18) and the returned mail indicates that the plaintiff is no longer incarcerated.

Further, plaintiff was notified that his appearance at the status conference scheduled on June 1, 2017, was mandatory (Doc. 21) and that his failure to appear could result in the dismissal of this matter. Plaintiff failed to appear or to notify the Court of any reason for his nonappearance.

Despite the above warnings, plaintiff has failed to keep the court advised of his current address or to make any contact with the Court since 12/28/2016.

The Court has reviewed the entire file and finds that the R & R is not clearly erroneous. Accordingly, the Court hereby **ADOPTS** the Report in its entirety (Doc. 26). The Court hereby GRANTS defendants' oral Motion to Dismiss and pursuant to Federal Rule of Civil Procedure 41(b), this case is **DISMISSED** with prejudice for failure to prosecute. The Clerk of Court is **DIRECTED** to enter judgment accordingly.

IT IS SO ORDERED.

DATED: 7/11/2017

s/J. Phil Gilbert
J. PHIL GILBERT
U.S. DISTRICT JUDGE